

1 Francesca M. S. Germinario (State Bar No. 326208)  
2 WARREN KASH WARREN LLP  
3 2261 Market Street, No. 606  
4 San Francisco, California, 94114  
5 +1 (415) 895-2940  
+1 (415) 895-2964 facsimile  
25-4929@cases.warrenlex.com

6 *Attorneys for Defendant Last Resort LLC*  
7  
8  
9  
10  
11

12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SUSAN OSTER d/b/a FERAL JEWELRY, ) Case No. 2:25-cv-04929 JLS (PDx)  
an individual, )  
Plaintiff, ) Hon. Josephine L. Staton  
v. )  
RAINBOW K JEWELRY SAS, a French )  
joint-stock company; MYTHERESA.COM )  
GmbH, a German entity; SCHOOLA, INC. )  
d/b/a OLIVELA.COM, a Delaware )  
corporation; SOPICKS, an Italian entity; )  
EASTWARD BOUND TECHNOLOGY, )  
INC. d/b/a VUGSTYLE, INC., a Colorado )  
corporation; LAST RESORT, LLC, a )  
California company; and DOES 1-50, )  
inclusive, )  
Defendants. )  
\_\_\_\_\_  
ANSWER TO FIRST AMENDED COMPLAINT BY LAST RESORT LLC

Under Federal Rule of Civil Procedure 15, Defendant Last Resort LLC (“Last Resort”) hereby submits its answer to plaintiff’s First Amended Complaint. Docket No. 54.

Last Resort states that the headings and sub-headings throughout the complaint do not constitute well-pleaded allegations of fact and therefore require no response. To the extent a response is required, Last Resort denies the allegations contained in the complaint’s headings and sub-headings.

Except as expressly admitted, Last Resort denies each and every allegation in the complaint and otherwise answers as follows:

**JURISDICTION, VENUE, AND INTRADISTRICT ASSIGNMENT**

1. This paragraph sets forth legal conclusions to which no response is required. To the extent a response is required, Last Resort admits that plaintiff alleges claims under the Copyright Act of 1976. Last Resort denies all remaining allegations of this paragraph.

2. This paragraph sets forth legal conclusions to which no response is required. To the extent a response is required, Last Resort denies the allegations of this paragraph.

3. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies them.

4. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies them.

5. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies them.

6. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies them.

7. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies them.

8. Last Resort admits that it offers products in this District. Last Resort further admits that it is a California limited liability company with its principal place of business

1 within this District. Other allegations in this paragraph set forth arguments and legal  
2 conclusions, to which no response is required. To the extent this paragraph includes any  
3 such allegations to which a response is required, Last Resort denies them.

4 9. Last Resort lacks knowledge or information sufficient to form a belief as to  
5 the truth of the allegations in this paragraph and therefore denies them.

6 10. Last Resort lacks knowledge or information sufficient to form a belief as to  
7 the truth of the allegations in this paragraph and therefore denies them.

8 11. This paragraph sets forth legal conclusions to which no response is required.  
9 To the extent a response is required, Last Resort denies the allegations of this paragraph.

10 12. This paragraph sets forth legal conclusions to which no response is required.  
11 To the extent a response is required, Last Resort denies the allegations of this paragraph.

### **THE PARTIES**

13 13. Last Resort lacks knowledge or information sufficient to form a belief as to  
14 the truth of the allegations in this paragraph and therefore denies them.

15 14. Last Resort lacks knowledge or information sufficient to form a belief as to  
16 the truth of the allegations in this paragraph and therefore denies them.

17 15. Last Resort lacks knowledge or information sufficient to form a belief as to  
18 the truth of the allegations in this paragraph and therefore denies them.

19 16. Last Resort lacks knowledge or information sufficient to form a belief as to  
20 the truth of the allegations in this paragraph and therefore denies them.

21 17. Last Resort lacks knowledge or information sufficient to form a belief as to  
22 the truth of the allegations in this paragraph and therefore denies them.

23 18. Last Resort lacks knowledge or information sufficient to form a belief as to  
24 the truth of the allegations in this paragraph and therefore denies them.

25 19. Last Resort admits that it is a California limited liability company with its  
26 principal address at 549 Moreno Avenue, Apt. 306, Los Angeles, California 90049. Last  
27 Resort denies any remaining allegations of this paragraph.

1           20. Last Resort lacks knowledge or information sufficient to form a belief as to  
2 the truth of the allegations in this paragraph and therefore denies them.

3           21. Last Resort lacks knowledge or information sufficient to form a belief as to  
4 the truth of the allegations in this paragraph and therefore denies them.

5           22. Last Resort denies the allegations in this paragraph, including any allegation  
6 that it engaged in infringing conduct. Last Resort lacks knowledge or information  
7 sufficient to form a belief as to the truth of the allegations of this paragraph pertaining to  
8 other defendants and therefore denies them.

9           23. Last Resort admits that Plaintiff uses the term “Defendants” within its  
10 amended complaint to collectively refer to multiple parties, but denies any remaining  
11 allegation, including any implication that Last Resort is associated with the conduct of  
12 any other entity.

### **GENERAL FACTUAL ALLEGATIONS**

#### **A. Susan Oster and Feral Jewelry**

15           24. Last Resort lacks knowledge or information sufficient to form a belief as to  
16 the truth of the allegations of this paragraph and therefore denies them.

17           25. Last Resort lacks knowledge or information sufficient to form a belief as to  
18 the truth of the allegations of this paragraph and therefore denies them.

19           26. This paragraph sets forth legal conclusions to which no response is required.  
20 To the extent any such allegations require a response, Last Resort denies them.

21           27. This paragraph sets forth legal conclusions to which no response is required.  
22 To the extent any such allegations require a response, Last Resort denies them.

23           28. Last Resort lacks knowledge or information sufficient to form a belief as to  
24 the truth of the allegations of this paragraph and therefore denies them.

25           29. Last Resort lacks knowledge or information sufficient to form a belief as to  
26 the truth of the allegations of this paragraph and therefore denies them.

27           30. Last Resort lacks knowledge or information sufficient to form a belief as to  
28 the truth of the allegations of this paragraph and therefore denies them.

31. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

32. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

33. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

34. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

35. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

36. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

37. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

38. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

39. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

40. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

41. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

42. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

## B. Defendant Rainbow K Jewelry, LLC

43. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

1           44. Last Resort lacks knowledge or information sufficient to form a belief as to  
2 the truth of the allegations of this paragraph and therefore denies them.

3           45. Last Resort lacks knowledge or information sufficient to form a belief as to  
4 the truth of the allegations of this paragraph and therefore denies them.

5           46. Last Resort lacks knowledge or information sufficient to form a belief as to  
6 the truth of the allegations of this paragraph and therefore denies them.

7           47. Last Resort lacks knowledge or information sufficient to form a belief as to  
8 the truth of the allegations of this paragraph and therefore denies them.

9           48. Last Resort lacks knowledge or information sufficient to form a belief as to  
10 the truth of the allegations of this paragraph and therefore denies them.

11           49. Last Resort lacks knowledge or information sufficient to form a belief as to  
12 the truth of the allegations of this paragraph and therefore denies them.

13           50. Last Resort lacks knowledge or information sufficient to form a belief as to  
14 the truth of the allegations of this paragraph and therefore denies them.

15           51. Last Resort lacks knowledge or information sufficient to form a belief as to  
16 the truth of the allegations of this paragraph and therefore denies them.

17           52. This paragraph sets forth argument to which no response is required. To the  
18 extent any such allegations require a response, Last Resort lacks knowledge or  
19 information sufficient to form a belief as to the truth of the allegations of this paragraph  
20 and therefore denies them.

21           53. Last Resort lacks knowledge or information sufficient to form a belief as to  
22 the truth of the allegations of this paragraph and therefore denies them.

23           54. This paragraph sets forth legal conclusions to which no response is required.  
24 To the extent any such allegations require a response, Last Resort lacks knowledge or  
25 information sufficient to form a belief as to the truth of the allegations of this paragraph  
26 and therefore denies them.

1       55. This paragraph sets forth legal conclusions to which no response is required.  
2 To the extent any such allegations require a response, Last Resort denies them, including  
3 any allegation of infringing conduct.

4       56. This paragraph sets forth legal conclusions to which no response is required.  
5 To the extent any such allegations require a response, Last Resort lacks knowledge or  
6 information sufficient to form a belief as to the truth of the allegations of this paragraph  
7 and therefore denies them.

8       57. This paragraph sets forth legal conclusions and argument to which no  
9 response is required. To the extent any such allegations require a response, Last Resort  
10 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
11 of this paragraph and therefore denies them.

12       58. Last Resort lacks knowledge or information sufficient to form a belief as to  
13 the truth of the allegations of this paragraph and therefore denies them.

14       59. This paragraph sets forth legal conclusions and argument to which no  
15 response is required. To the extent any such allegations require a response, Last Resort  
16 denies allegations that Last Resort engaged in infringing conduct. Last Resort lacks  
17 knowledge or information sufficient to form a belief as to the truth of the remaining  
18 allegations of this paragraph and therefore denies them.

19       60. Last Resort lacks knowledge or information sufficient to form a belief as to  
20 the truth of the allegations of this paragraph and therefore denies them.

21       61. Last Resort lacks knowledge or information sufficient to form a belief as to  
22 the truth of the allegations of this paragraph and therefore denies them.

23       62. Last Resort lacks knowledge or information sufficient to form a belief as to  
24 the truth of the allegations of this paragraph and therefore denies them.

25       63. Last Resort lacks knowledge or information sufficient to form a belief as to  
26 the truth of the allegations of this paragraph and therefore denies them.

27       64. This paragraph sets forth argument to which no response is required. To the  
28 extent any such allegations require a response, Last Resort lacks knowledge or

1 information sufficient to form a belief as to the truth of the allegations of this paragraph  
2 and therefore denies them.

3 65. This paragraph sets forth legal conclusions to which no response is required.  
4 To the extent any such allegations require a response, Last Resort lacks knowledge or  
5 information sufficient to form a belief as to the truth of the allegations of this paragraph  
6 and therefore denies them.

7 66. Last Resort lacks knowledge or information sufficient to form a belief as to  
8 the truth of the allegations of this paragraph and therefore denies them.

9 67. Last Resort lacks knowledge or information sufficient to form a belief as to  
10 the truth of the allegations of this paragraph and therefore denies them.

11 68. Last Resort lacks knowledge or information sufficient to form a belief as to  
12 the truth of the allegations of this paragraph and therefore denies them.

13 69. Last Resort lacks knowledge or information sufficient to form a belief as to  
14 the truth of the allegations of this paragraph and therefore denies them.

15 70. Last Resort lacks knowledge or information sufficient to form a belief as to  
16 the truth of the allegations of this paragraph and therefore denies them.

17 71. Last Resort lacks knowledge or information sufficient to form a belief as to  
18 the truth of the allegations of this paragraph and therefore denies them.

19 72. Last Resort lacks knowledge or information sufficient to form a belief as to  
20 the truth of the allegations of this paragraph and therefore denies them.

21 73. Last Resort lacks knowledge or information sufficient to form a belief as to  
22 the truth of the allegations of this paragraph and therefore denies them.

23 74. Last Resort lacks knowledge or information sufficient to form a belief as to  
24 the truth of the allegations of this paragraph and therefore denies them.

25 75. Last Resort lacks knowledge or information sufficient to form a belief as to  
26 the truth of the allegations of this paragraph and therefore denies them.

27 76. Last Resort lacks knowledge or information sufficient to form a belief as to  
28 the truth of the allegations of this paragraph and therefore denies them.

1       77. Last Resort lacks knowledge or information sufficient to form a belief as to  
2 the truth of the allegations of this paragraph and therefore denies them.

3       78. Last Resort lacks knowledge or information sufficient to form a belief as to  
4 the truth of the allegations of this paragraph and therefore denies them.

5       79. Last Resort lacks knowledge or information sufficient to form a belief as to  
6 the truth of the allegations of this paragraph and therefore denies them.

7       80. Last Resort lacks knowledge or information sufficient to form a belief as to  
8 the truth of the allegations of this paragraph and therefore denies them.

9       81. Last Resort lacks knowledge or information sufficient to form a belief as to  
10 the truth of the allegations of this paragraph and therefore denies them.

11       82. Last Resort lacks knowledge or information sufficient to form a belief as to  
12 the truth of the allegations of this paragraph and therefore denies them.

13       83. Last Resort lacks knowledge or information sufficient to form a belief as to  
14 the truth of the allegations of this paragraph and therefore denies them.

15       **C. Defendant MyTheresa**

16       84. Last Resort lacks knowledge or information sufficient to form a belief as to  
17 the truth of the allegations of this paragraph and therefore denies them.

18       85. Last Resort lacks knowledge or information sufficient to form a belief as to  
19 the truth of the allegations of this paragraph and therefore denies them.

20       86. Last Resort lacks knowledge or information sufficient to form a belief as to  
21 the truth of the allegations of this paragraph and therefore denies them.

22       87. Last Resort lacks knowledge or information sufficient to form a belief as to  
23 the truth of the allegations of this paragraph and therefore denies them.

24       **D. Defendant Schoola, Inc. d/b/a OliveLA**

25       88. Last Resort lacks knowledge or information sufficient to form a belief as to  
26 the truth of the allegations of this paragraph and therefore denies them.

27       89. Last Resort lacks knowledge or information sufficient to form a belief as to  
28 the truth of the allegations of this paragraph and therefore denies them.

1           90. Last Resort lacks knowledge or information sufficient to form a belief as to  
2 the truth of the allegations of this paragraph and therefore denies them.

3           91. Last Resort lacks knowledge or information sufficient to form a belief as to  
4 the truth of the allegations of this paragraph and therefore denies them.

5           **E. Defendant SoPicks**

6           92. Last Resort lacks knowledge or information sufficient to form a belief as to  
7 the truth of the allegations of this paragraph and therefore denies them.

8           93. Last Resort lacks knowledge or information sufficient to form a belief as to  
9 the truth of the allegations of this paragraph and therefore denies them.

10          94. Last Resort lacks knowledge or information sufficient to form a belief as to  
11 the truth of the allegations of this paragraph and therefore denies them.

12          95. Last Resort lacks knowledge or information sufficient to form a belief as to  
13 the truth of the allegations of this paragraph and therefore denies them.

14          **F. Defendant Eastward Bound Technology, Inc. d/b/a Vugstyle**

15          96. Last Resort lacks knowledge or information sufficient to form a belief as to  
16 the truth of the allegations of this paragraph and therefore denies them.

17          97. Last Resort lacks knowledge or information sufficient to form a belief as to  
18 the truth of the allegations of this paragraph and therefore denies them.

19          98. Last Resort lacks knowledge or information sufficient to form a belief as to  
20 the truth of the allegations of this paragraph and therefore denies them.

21          **G. Defendant Last Resort, LLC**

22          99. Last Resort admits that it is a California limited liability company with its  
23 principal address at 549 Moreno Avenue, Apt. 306, Los Angeles, California 90049. Last  
24 Resort denies any remaining allegations of this paragraph.

25          100. Last Resort admits that it is an apparel and accessory boutique that focuses  
26 on high end emerging brands. Last Resort denies any remaining allegations of this  
27 paragraph.

28          101. Denied.

1           **H. Defendant Maxfield Enterprises, Inc.**

2           102. Last Resort lacks knowledge or information sufficient to form a belief as to  
3           the truth of the allegations of this paragraph and therefore denies them.

4           103. Last Resort lacks knowledge or information sufficient to form a belief as to  
5           the truth of the allegations of this paragraph and therefore denies them.

6           104. Last Resort lacks knowledge or information sufficient to form a belief as to  
7           the truth of the allegations of this paragraph and therefore denies them.

8           105. Last Resort lacks knowledge or information sufficient to form a belief as to  
9           the truth of the allegations of this paragraph and therefore denies them.

10          106. Last Resort lacks knowledge or information sufficient to form a belief as to  
11         the truth of the allegations of this paragraph and therefore denies them.

12          107. Last Resort lacks knowledge or information sufficient to form a belief as to  
13         the truth of the allegations of this paragraph and therefore denies them.

14          108. Last Resort lacks knowledge or information sufficient to form a belief as to  
15         the truth of the allegations of this paragraph and therefore denies them.

16           **I. Defendant Lissa Fine Jewelry**

17          109. Last Resort lacks knowledge or information sufficient to form a belief as to  
18         the truth of the allegations of this paragraph and therefore denies them.

19          110. Last Resort lacks knowledge or information sufficient to form a belief as to  
20         the truth of the allegations of this paragraph and therefore denies them.

21          111. Last Resort lacks knowledge or information sufficient to form a belief as to  
22         the truth of the allegations of this paragraph and therefore denies them.

23          112. Last Resort lacks knowledge or information sufficient to form a belief as to  
24         the truth of the allegations of this paragraph and therefore denies them.

**FIRST CAUSE OF ACTION**  
**FOR COPYRIGHT INFRINGEMENT**  
**17 U.S.C. §§ 101, 106, 501, et seq.**

113. This paragraph realleges allegations in prior paragraphs and thus requires no response. To the extent these allegations require a response, Last Resort incorporates by reference its responses to paragraphs 1 through 112.

114. This paragraph sets forth legal conclusions to which no response is required. To the extent any such allegations require a response, Last Resort denies them.

115. This paragraph sets forth legal conclusions to which no response is required. To the extent any such allegations require a response, Last Resort denies them.

116. This paragraph sets forth legal conclusions to which no response is required. To the extent any such allegations require a response, Last Resort denies them.

117. This paragraph sets forth legal conclusions to which no response is required. To the extent any such allegations require a response, Last Resort denies that it has infringed or is liable for infringement of any valid and enforceable copyright. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph and therefore denies them.

118. This paragraph sets forth legal conclusions to which no response is required. To the extent any such allegations require a response, Last Resort denies that it has infringed or is liable for infringement of any valid and enforceable copyright. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph and therefore denies them.

119. This paragraph sets forth legal conclusions to which no response is required. To the extent any such allegations require a response, Last Resort denies that it has infringed or is liable for infringement of any valid and enforceable copyright. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph and therefore denies them.

1           120. This paragraph sets forth legal conclusions to which no response is required.  
2 To the extent any such allegations require a response, Last Resort denies that it has  
3 infringed or is liable for infringement of any valid and enforceable copyright. Last Resort  
4 lacks knowledge or information sufficient to form a belief as to the truth of the remaining  
5 allegations of this paragraph and therefore denies them.

6           121. This paragraph sets forth legal conclusions to which no response is required.  
7 To the extent any such allegations require a response, Last Resort denies that it has  
8 infringed or is liable for infringement of any valid and enforceable copyright. Last Resort  
9 lacks knowledge or information sufficient to form a belief as to the truth of the remaining  
10 allegations of this paragraph and therefore denies them.

11          122. This paragraph sets forth legal conclusions to which no response is required.  
12 To the extent any such allegations require a response, Last Resort denies that it has  
13 infringed or is liable for infringement of any valid and enforceable copyright. Last Resort  
14 lacks knowledge or information sufficient to form a belief as to the truth of the remaining  
15 allegations of this paragraph and therefore denies them.

16          123. This paragraph sets forth legal conclusions and arguments to which no  
17 response is required. To the extent any such allegations require a response, Last Resort  
18 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
19 of this paragraph pertaining to other defendants and therefore denies them.

20          124. This paragraph sets forth legal conclusions and arguments to which no  
21 response is required. To the extent any such allegations require a response, Last Resort  
22 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
23 of this paragraph pertaining to other defendants and therefore denies them.

24          125. This paragraph sets forth legal conclusions and arguments to which no  
25 response is required. To the extent any such allegations require a response, Last Resort  
26 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
27 of this paragraph pertaining to other defendants and therefore denies them.

1       126. This paragraph sets forth legal conclusions and arguments to which no  
2 response is required. To the extent any such allegations require a response, Last Resort  
3 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
4 of this paragraph pertaining to other defendants and therefore denies them.

5       127. This paragraph sets forth legal conclusions to which no response is required.  
6 To the extent any such allegations require a response, Last Resort denies that it has  
7 infringed or is liable for infringement of any valid and enforceable copyright. Last Resort  
8 lacks knowledge or information sufficient to form a belief as to the truth of the remaining  
9 allegations of this paragraph and therefore denies them.

10      128. This paragraph sets forth legal conclusions and arguments to which no  
11 response is required. To the extent any such allegations require a response, Last Resort  
12 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
13 of this paragraph pertaining to other defendants and therefore denies them.

14      129. This paragraph sets forth legal conclusions and arguments to which no  
15 response is required. To the extent any such allegations require a response, Last Resort  
16 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
17 of this paragraph pertaining to other defendants and therefore denies them.

18      130. This paragraph sets forth legal conclusions and arguments to which no  
19 response is required. To the extent any such allegations require a response, Last Resort  
20 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
21 of this paragraph pertaining to other defendants and therefore denies them.

22      131. This paragraph sets forth legal conclusions and arguments to which no  
23 response is required. To the extent any such allegations require a response, Last Resort  
24 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
25 of this paragraph and therefore denies them.

26      132. This paragraph sets forth legal conclusions and arguments to which no  
27 response is required. To the extent any such allegations require a response, Last Resort

1 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
2 of this paragraph and therefore denies them.

3       133. This paragraph sets forth legal conclusions and arguments to which no  
4 response is required. To the extent any such allegations require a response, Last Resort  
5 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
6 of this paragraph and therefore denies them.

7       134. This paragraph sets forth legal conclusions and arguments to which no  
8 response is required. To the extent any such allegations require a response, Last Resort  
9 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
10 of this paragraph and therefore denies them.

11       135. This paragraph sets forth legal conclusions and arguments to which no  
12 response is required. To the extent any such allegations require a response, Last Resort  
13 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
14 of this paragraph and therefore denies them.

15       136. This paragraph sets forth legal conclusions and arguments to which no  
16 response is required. To the extent any such allegations require a response, Last Resort  
17 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
18 of this paragraph and therefore denies them.

19       137. This paragraph sets forth legal conclusions and arguments to which no  
20 response is required. To the extent any such allegations require a response, Last Resort  
21 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
22 of this paragraph and therefore denies them.

23       138. This paragraph sets forth legal conclusions and arguments to which no  
24 response is required. To the extent any such allegations require a response, Last Resort  
25 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
26 of this paragraph and therefore denies them.

27       139. This paragraph sets forth legal conclusions and arguments to which no  
28 response is required. To the extent any such allegations require a response, Last Resort

1 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
2 of this paragraph and therefore denies them.

3       140. This paragraph sets forth legal conclusions and arguments to which no  
4 response is required. To the extent any such allegations require a response, Last Resort  
5 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
6 of this paragraph and therefore denies them.

7       141. This paragraph sets forth legal conclusions and arguments to which no  
8 response is required. To the extent any such allegations require a response, Last Resort  
9 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
10 of this paragraph and therefore denies them.

11       142. This paragraph sets forth legal conclusions and arguments to which no  
12 response is required. To the extent any such allegations require a response, Last Resort  
13 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
14 of this paragraph and therefore denies them.

15       143. This paragraph sets forth legal conclusions and arguments to which no  
16 response is required. To the extent any such allegations require a response, Last Resort  
17 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
18 of this paragraph and therefore denies them.

19       144. This paragraph sets forth legal conclusions and arguments to which no  
20 response is required. To the extent any such allegations require a response, Last Resort  
21 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
22 of this paragraph and therefore denies them.

23       145. This paragraph sets forth legal conclusions and arguments to which no  
24 response is required. To the extent any such allegations require a response, Last Resort  
25 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
26 of this paragraph and therefore denies them.

27       146. This paragraph sets forth legal conclusions and arguments to which no  
28 response is required. To the extent any such allegations require a response, Last Resort

1 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
2 of this paragraph and therefore denies them.

3       147. This paragraph sets forth legal conclusions and arguments to which no  
4 response is required. To the extent any such allegations require a response, Last Resort  
5 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
6 of this paragraph and therefore denies them.

7       148. This paragraph sets forth legal conclusions and arguments to which no  
8 response is required. To the extent any such allegations require a response, Last Resort  
9 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
10 of this paragraph and therefore denies them.

11       149. This paragraph sets forth legal conclusions and arguments to which no  
12 response is required. To the extent any such allegations require a response, Last Resort  
13 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
14 of this paragraph and therefore denies them.

15       150. This paragraph sets forth legal conclusions and arguments to which no  
16 response is required. To the extent any such allegations require a response, Last Resort  
17 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
18 of this paragraph and therefore denies them.

19       151. This paragraph sets forth legal conclusions and arguments to which no  
20 response is required. To the extent any such allegations require a response, Last Resort  
21 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
22 of this paragraph and therefore denies them.

23       152. This paragraph sets forth legal conclusions and arguments to which no  
24 response is required. To the extent any such allegations require a response, Last Resort  
25 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
26 of this paragraph and therefore denies them.

27       153. This paragraph sets forth legal conclusions and arguments to which no  
28 response is required. To the extent any such allegations require a response, Last Resort

1 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
2 of this paragraph and therefore denies them.

3       154. This paragraph sets forth legal conclusions and arguments to which no  
4 response is required. To the extent any such allegations require a response, Last Resort  
5 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
6 of this paragraph and therefore denies them.

7       155. This paragraph sets forth legal conclusions and arguments to which no  
8 response is required. To the extent any such allegations require a response, Last Resort  
9 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
10 of this paragraph and therefore denies them.

11       156. This paragraph sets forth legal conclusions and arguments to which no  
12 response is required. To the extent any such allegations require a response, Last Resort  
13 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
14 of this paragraph and therefore denies them.

15       157. This paragraph sets forth legal conclusions and arguments to which no  
16 response is required. To the extent any such allegations require a response, Last Resort  
17 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
18 of this paragraph and therefore denies them.

19       158. This paragraph sets forth legal conclusions and argument to which no  
20 response is required. To the extent a response is required, Last Resort denies the  
21 allegations, including any allegation that it engaged in infringing conduct.

22       159. This paragraph sets forth legal conclusions and argument to which no  
23 response is required. To the extent a response is required, Last Resort denies the  
24 allegations, including any allegation that it engaged in infringing conduct.

25       160. This paragraph sets forth legal conclusions and argument to which no  
26 response is required. To the extent a response is required, Last Resort denies the  
27 allegations, including any allegation that it engaged in infringing conduct.

161. This paragraph sets forth legal conclusions and argument to which no response is required. To the extent a response is required, Last Resort denies the allegations, including any allegation that it engaged in infringing conduct.

162. This paragraph sets forth legal conclusions and arguments to which no response is required. To the extent any such allegations require a response, Last Resort denies them, including any allegation of infringing conduct, and denies that plaintiff is entitled to any monetary or non-monetary recovery.

163. This paragraph sets forth legal conclusions and arguments to which no response is required. To the extent any such allegations require a response, Last Resort denies them, including any allegation of infringing conduct, and denies that plaintiff is entitled to injunctive relief against Last Resort.

164. This paragraph sets forth legal conclusions and arguments to which no response is required. To the extent any such allegations require a response, Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

165. This paragraph sets forth legal conclusions and arguments to which no response is required. To the extent any such allegations require a response, Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

166. This paragraph sets forth legal conclusions and arguments to which no response is required. To the extent any such allegations require a response, Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

167. This paragraph sets forth legal conclusions and arguments to which no response is required. To the extent any such allegations require a response, Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

1       168. This paragraph sets forth legal conclusions and arguments to which no  
2 response is required. To the extent any such allegations require a response, Last Resort  
3 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
4 of this paragraph and therefore denies them.

5       169. This paragraph sets forth legal conclusions and arguments to which no  
6 response is required. To the extent any such allegations require a response, Last Resort  
7 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
8 of this paragraph and therefore denies them.

9       170. This paragraph sets forth legal conclusions and arguments to which no  
10 response is required. To the extent any such allegations require a response, Last Resort  
11 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
12 of this paragraph and therefore denies them.

13       171. This paragraph sets forth legal conclusions and arguments to which no  
14 response is required. To the extent any such allegations require a response, Last Resort  
15 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
16 of this paragraph and therefore denies them.

17       172. This paragraph sets forth legal conclusions and arguments to which no  
18 response is required. To the extent any such allegations require a response, Last Resort  
19 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
20 of this paragraph and therefore denies them.

21       173. This paragraph sets forth legal conclusions and arguments to which no  
22 response is required. To the extent any such allegations require a response, Last Resort  
23 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
24 of this paragraph and therefore denies them.

25       174. This paragraph sets forth legal conclusions and arguments to which no  
26 response is required. To the extent any such allegations require a response, Last Resort  
27 lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
28 of this paragraph and therefore denies them.

175. This paragraph sets forth legal conclusions and arguments to which no response is required. To the extent any such allegations require a response, Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

176. This paragraph sets forth legal conclusions and arguments to which no response is required. To the extent any such allegations require a response, Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

177. This paragraph sets forth legal conclusions and arguments to which no response is required. To the extent any such allegations require a response, Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

178. This paragraph sets forth legal conclusions and arguments to which no response is required. To the extent any such allegations require a response, Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

179. This paragraph sets forth legal conclusions and arguments to which no response is required. To the extent any such allegations require a response, Last Resort denies them.

180. This paragraph sets forth legal conclusions to which no response is required. To the extent a response is required, Last Resort denies them.

181. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

182. This paragraph sets forth legal conclusions to which no response is required. To the extent any such allegations require a response, Last Resort denies any allegations of infringing conduct, including any allegation about what Last Resort has “indicated,” and denies that plaintiff is entitled to injunctive relief against Last Resort. Last Resort

lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph and therefore denies them.

## **SECOND CAUSE OF ACTION**

## **FOR CONTRIBUTORY COPYRIGHT INFRINGEMENT**

(Against Defendants *MyTheresa*, *OliveLA*, *SoPicks*,  
*Vugstyle*, *Last Resort*, *Maxfield*, *Lissa Fine Jewelry* and DOES 3-50)

183. This paragraph realleges prior allegations and thus requires no response. To the extent any such allegations require a response, Last Resort incorporates by reference its responses to paragraphs 1 through 182.

184. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

185. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

186. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

187. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

188. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

189. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

190. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

191. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

192. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

1           193. Last Resort lacks knowledge or information sufficient to form a belief as to  
2 the truth of the allegations of this paragraph and therefore denies them.

3           194. Last Resort lacks knowledge or information sufficient to form a belief as to  
4 the truth of the allegations of this paragraph and therefore denies them.

5           195. Last Resort lacks knowledge or information sufficient to form a belief as to  
6 the truth of the allegations of this paragraph and therefore denies them.

7           196. Last Resort lacks knowledge or information sufficient to form a belief as to  
8 the truth of the allegations of this paragraph and therefore denies them.

9           197. Last Resort lacks knowledge or information sufficient to form a belief as to  
10 the truth of the allegations of this paragraph and therefore denies them.

11           198. Last Resort lacks knowledge or information sufficient to form a belief as to  
12 the truth of the allegations of this paragraph and therefore denies them.

13           199. Last Resort lacks knowledge or information sufficient to form a belief as to  
14 the truth of the allegations of this paragraph and therefore denies them.

15           200. Last Resort lacks knowledge or information sufficient to form a belief as to  
16 the truth of the allegations of this paragraph and therefore denies them.

17           201. Last Resort lacks knowledge or information sufficient to form a belief as to  
18 the truth of the allegations of this paragraph and therefore denies them.

19           202. Last Resort lacks knowledge or information sufficient to form a belief as to  
20 the truth of the allegations of this paragraph and therefore denies them.

21           203. Last Resort lacks knowledge or information sufficient to form a belief as to  
22 the truth of the allegations of this paragraph and therefore denies them.

23           204. Denied.

24           205. Denied.

25           206. Denied.

26           207. Denied.

27           208. Denied.

1           209. Last Resort lacks knowledge or information sufficient to form a belief as to  
2 the truth of the allegations of this paragraph and therefore denies them.

3           210. Last Resort lacks knowledge or information sufficient to form a belief as to  
4 the truth of the allegations of this paragraph and therefore denies them.

5           211. Last Resort lacks knowledge or information sufficient to form a belief as to  
6 the truth of the allegations of this paragraph and therefore denies them.

7           212. Last Resort lacks knowledge or information sufficient to form a belief as to  
8 the truth of the allegations of this paragraph and therefore denies them.

9           213. Last Resort lacks knowledge or information sufficient to form a belief as to  
10 the truth of the allegations of this paragraph and therefore denies them.

11           214. Last Resort lacks knowledge or information sufficient to form a belief as to  
12 the truth of the allegations of this paragraph and therefore denies them.

13           215. Last Resort lacks knowledge or information sufficient to form a belief as to  
14 the truth of the allegations of this paragraph and therefore denies them.

15           216. Last Resort lacks knowledge or information sufficient to form a belief as to  
16 the truth of the allegations of this paragraph and therefore denies them.

17           217. Last Resort lacks knowledge or information sufficient to form a belief as to  
18 the truth of the allegations of this paragraph and therefore denies them.

19           218. Last Resort lacks knowledge or information sufficient to form a belief as to  
20 the truth of the allegations of this paragraph and therefore denies them.

21           219. Last Resort lacks knowledge or information sufficient to form a belief as to  
22 the truth of the allegations of this paragraph and therefore denies them.

23           220. Last Resort lacks knowledge or information sufficient to form a belief as to  
24 the truth of the allegations of this paragraph and therefore denies them.

25           221. Last Resort lacks knowledge or information sufficient to form a belief as to  
26 the truth of the allegations of this paragraph and therefore denies them.

27           222. Last Resort lacks knowledge or information sufficient to form a belief as to  
28 the truth of the allegations of this paragraph and therefore denies them.

223. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

### **THIRD CAUSE OF ACTION**

## FOR ACCOUNTING

*(Against all Defendants and DOES 3-50)*

224. This paragraph realleges prior allegations and thus requires no response. To the extent any such allegations require a response, Last Resort incorporates by reference its responses to paragraphs 1 through 223.

225. This paragraph sets forth legal conclusions to which no response is required. To the extent any such allegations require a response, Last Resort denies any allegations of infringing conduct, and denies that plaintiff is entitled to an accounting from Last Resort. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph and therefore denies them.

226. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

227. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

228. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

229. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

230. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

231. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

232. Last Resort lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies them.

1           233. Last Resort lacks knowledge or information sufficient to form a belief as to  
2 the truth of the allegations of this paragraph and therefore denies them.

3           234. Last Resort lacks knowledge or information sufficient to form a belief as to  
4 the truth of the allegations of this paragraph and therefore denies them.

5           235. Last Resort lacks knowledge or information sufficient to form a belief as to  
6 the truth of the allegations of this paragraph and therefore denies them.

7           236. Last Resort lacks knowledge or information sufficient to form a belief as to  
8 the truth of the allegations of this paragraph and therefore denies them.

9           237. Last Resort lacks knowledge or information sufficient to form a belief as to  
10 the truth of the allegations of this paragraph and therefore denies them.

11           238. Last Resort lacks knowledge or information sufficient to form a belief as to  
12 the truth of the allegations of this paragraph and therefore denies them.

13           239. Last Resort lacks knowledge or information sufficient to form a belief as to  
14 the truth of the allegations of this paragraph and therefore denies them.

15           240. Last Resort lacks knowledge or information sufficient to form a belief as to  
16 the truth of the allegations of this paragraph and therefore denies them.

17           241. Last Resort lacks knowledge or information sufficient to form a belief as to  
18 the truth of the allegations of this paragraph and therefore denies them.

19           242. Last Resort lacks knowledge or information sufficient to form a belief as to  
20 the truth of the allegations of this paragraph and therefore denies them.

21           243. Last Resort lacks knowledge or information sufficient to form a belief as to  
22 the truth of the allegations of this paragraph and therefore denies them.

23           244. Last Resort lacks knowledge or information sufficient to form a belief as to  
24 the truth of the allegations of this paragraph and therefore denies them.

25           245. Last Resort lacks knowledge or information sufficient to form a belief as to  
26 the truth of the allegations of this paragraph and therefore denies them.

27           246. Last Resort lacks knowledge or information sufficient to form a belief as to  
28 the truth of the allegations of this paragraph and therefore denies them.

1           247. Denied.

2           248. Denied.

3           249. Denied.

4           250. Denied.

5           251. Last Resort lacks knowledge or information sufficient to form a belief as to  
6         the truth of the allegations of this paragraph and therefore denies them.

7           252. Last Resort lacks knowledge or information sufficient to form a belief as to  
8         the truth of the allegations of this paragraph and therefore denies them.

9           253. Last Resort lacks knowledge or information sufficient to form a belief as to  
10        the truth of the allegations of this paragraph and therefore denies them.

11          254. Last Resort lacks knowledge or information sufficient to form a belief as to  
12        the truth of the allegations of this paragraph and therefore denies them.

13          255. Last Resort lacks knowledge or information sufficient to form a belief as to  
14        the truth of the allegations of this paragraph and therefore denies them.

15          256. Last Resort lacks knowledge or information sufficient to form a belief as to  
16        the truth of the allegations of this paragraph and therefore denies them.

17          257. Last Resort lacks knowledge or information sufficient to form a belief as to  
18        the truth of the allegations of this paragraph and therefore denies them.

19          258. Last Resort lacks knowledge or information sufficient to form a belief as to  
20        the truth of the allegations of this paragraph and therefore denies them.

21          259. Last Resort lacks knowledge or information sufficient to form a belief as to  
22        the truth of the allegations of this paragraph and therefore denies them.

23          260. Last Resort lacks knowledge or information sufficient to form a belief as to  
24        the truth of the allegations of this paragraph and therefore denies them.

25          261. Last Resort lacks knowledge or information sufficient to form a belief as to  
26        the truth of the allegations of this paragraph and therefore denies them.

27          262. Last Resort lacks knowledge or information sufficient to form a belief as to  
28        the truth of the allegations of this paragraph and therefore denies them.

## **PRAYER FOR RELIEF**

In response to the prayer for relief, Last Resort denies that plaintiff is entitled to the requested relief, or to any relief whatsoever, including because plaintiff has suffered no injury sufficient to confer standing to bring any claim for relief.

## **AFFIRMATIVE DEFENSES**

In further answer to the allegations made by plaintiff in the amended complaint, Last Resort asserts the following affirmative defenses. Last Resort does not concede that it has the burden of proof on any defense asserted herein, and reserves the right to assert additional defenses or counterclaims during the course of these proceedings.

## **FIRST AFFIRMATIVE DEFENSE**

Plaintiff's claim fails, in whole or in part, because the allegedly violative conduct was innocent pursuant to 17 U.S.C. § 1203(c)(5)(A).

## **SECOND AFFIRMATIVE DEFENSE**

Plaintiff's claim is barred, in whole or in part, because the acts alleged are not an infringement of copyright, including because the alleged acts are fair use or *de minimis*, or because copyright protection is barred by the doctrine of merger.

## **THIRD AFFIRMATIVE DEFENSE**

Plaintiff's claim is barred, in whole or in part, by the applicable statute of limitations.

#### **FOURTH AFFIRMATIVE DEFENSE**

Plaintiff's claim is barred, in whole or in part, by one or more equitable doctrines, such as unclear hands, estoppel, waiver, abandonment, forfeiture, or laches.

## **FIFTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because plaintiffs do not own or hold exclusive rights under 17 U.S.C. § 106 or any copyright law over each work allegedly infringed by Last Resort.

